

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LILY ROBBE,

Plaintiff,

v.

WEBSTER UNIVERSITY,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No.: 4:14-cv-01223

JOINT PROPOSED SCHEDULING PLAN

Pursuant to Federal Rule of Civil Procedure 26(f) and the Court's Order, dated May 5, 2015, an initial conference of the parties was held with attorneys Andrew Kuhlmann for Plaintiff Lily Robbe ("Plaintiff") and Dennis Donnelly for Defendant Webster University ("Defendant") participating. The parties met by and through counsel to discuss the claims, defenses, discovery and the potential for settlement of this suit prior to jointly executing this proposed scheduling plan. Plaintiff and Defendant submit the following Joint Proposed Scheduling Plan:

A. **Track Assignment.** In light of Plaintiff's July 8, 2014 initiation of this action, the parties agree that this case should be assigned to Track 3.

B. **Amendments and Joinder of Additional Parties.** Any motion to join additional parties or to amend pleadings will be filed on or before **July 13, 2015**.

C. **Discovery Plan.** Discovery shall proceed in the following manner:

a. **Disclosure or Discovery of Electronically Stored Information.**

The parties agree that documents, including electronically-stored information, responsive to Rule 34 requests for production may be produced initially in hard copy or in .PDF format. Electronically-stored information ("ESI") will not be produced unless the requesting

party expressly requests the production of ESI after having first reviewed the responding party's hard-copy production and determined reasonably that the production of ESI in electronic format is necessary. Under those circumstances, the requesting party shall specify the specific ESI materials that are reasonably needed in electronic format and shall specify the form of ESI that it is seeking. If the requesting party fails to specify the form of ESI that it is seeking, the parties agree the responding party will use .PDF or .TIFF formats, which are reasonably usable by both sides.

b. **Privilege Assertions.** The parties agree that to the extent a party wishes to assert a privilege in response to a discovery request, that party shall set forth his, her, or its privilege assertion expressly in the party's relevant written discovery response in sufficient detail to permit the opposing party to assess the legitimacy of the privilege assertion(s). Furthermore, the parties agree that prior to the production of any documents, the parties will seek and obtain the entry of a Protective Order limiting the use of all confidential documents and information produced in the litigation, and mandating that each party will destroy all confidential documents produced to it by the opposing party following the final appeal of the case, except that counsel for each party may maintain one copy of his/her file in accordance with the Missouri Rules of Professional Conduct.

c. **Initial Rule 26(a)(1) Disclosures.** The parties shall voluntarily make all disclosures required by Rule 26(a)(1) no later than **June 29, 2015**.

d. **Phased Discovery.** The parties agree that discovery should not be conducted in phases or limited to certain issues.

e. **Expert Disclosures.** Plaintiff's experts shall be designated and reports submitted by **October 13, 2015**, and deposed by **November 12, 2015**. Defendants' experts shall be designated by **December 18, 2015**, and deposed by **January 22, 2016**.

f. **Interrogatories and Requests for Production.** The presumptive limits of ten (10) depositions set forth in Fed. R. Civ. P. 30(a)(2)(A) should not apply in this case, as there are more than fifteen (15) potential witnesses. The presumptive limit of twenty-five (25) interrogatories set forth in Fed. R. Civ. P. 33(a) should apply.

g. **Rule 35 Examinations.** At this time, the parties have not yet determined whether any request for physical or mental examinations pursuant to Fed. R. Civ. P. 35 will be made. Should either party make a request for a physical or mental examination, such request such be made by **February 29, 2016**.

h. **Completion of Discovery.** Discovery shall be completed on or before **March 22, 2016**.

i. **Other Matters.** The parties are aware of no other matter pertinent to the completion of discovery at this time.

D. **Alternative Dispute Resolution.** The parties believe this case is suitable for alternative dispute resolution ("ADR"). The case shall be referred to ADR by **August 3, 2015**, and that reference shall terminate on **February 26, 2016**.

E. **Dispositive Motions.** Any dispositive motions will be filed and served on the non-moving party by no later than **April 14, 2016**, and the Court's Local Rules shall govern the deadlines for the filing of any memoranda in opposition to, and reply brief in support of, any such dispositive motion.

F. **Trial.** The parties anticipate that the case will be ready for trial on **June 20, 2016.**

G. **Length of Trial.** The parties anticipate that a trial in this case can be completed in five to seven days.

H. **Additional Matters.** At this time, counsel for the parties have deemed no other matters appropriate for inclusion in this Joint Proposed Scheduling Plan.

WHEREFORE, the parties respectfully request that this Honorable Court enter the schedule and other orders set forth herein.

Date: May 26, 2015

Respectfully submitted,

By: /s/ Andrew W. Kuhlmann
Andrew W. Kuhlmann
KUHLMANN LLC
75 W. Lockwood Ave., Suite 1
Saint Louis, Missouri 63119
andew@kuhlmannfirm.com

Attorney for Plaintiff

By: /s/ Dennis C. Donnelly
Dennis C. Donnelly, #19613
Travis R. Kearbey, #58964
BRYAN CAVE LLP
One Metropolitan Square
211 N. Broadway, Suite 3600
(314) 259-2000 (telephone)
(314) 259-2020 (facsimile)
dcdonnelly@bryancave.com
travis.kearbey@bryancave.com

Attorneys for Defendant
Webster University

CERTIFICATE OF SERVICE

I hereby certify that on May [], 2015, the foregoing was served via the electronic filing system of the U.S. District Court for the Eastern District of Missouri upon the following:

Andrew W. Kuhlmann
KUHLMANN LLC
75 W. Lockwood Ave., Suite 1
Saint Louis, Missouri 63119
andew@kuhlmannfirm.com

Attorney for Plaintiff

/s/ Dennis Donnelly